

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JULIE A. SU, Acting Secretary of Labor,  
United States Department of Labor;**

**Petitioner,**

**vs.**

**CHRISTOPHER C. ARPS, d/b/a CAPITAL  
CITY ROOFING AND CONSTRUCTION**

**Respondent.**

**8:23CV138**

**ORDER DIRECTING RESPONDENT  
TO APPEAR AND SHOW CAUSE WHY  
HE SHOULD NOT BE HELD IN  
CIVIL CONTEMPT**

This matter comes before the Court on the Motion for Adjudication of Civil Contempt (Filing No. 13) filed by Petitioner, Julie A. Su, the Acting Secretary of Labor, United States Department of Labor (the “Secretary”). Petitioner requests an order requiring Respondent, Christopher C. Arps d/b/a Capital City Roofing and Construction, to appear in court to show cause why he should not be held in contempt for failure to comply with the Court’s May 26, 2023, Order (Filing No. 9), which granted the Secretary’s Petition to Enforce Administrative Subpoena (Filing No. 1) and compelled Respondent to comply with the subpoena duces tecum issued by the Area Director of the Omaha Area Office of the Occupational Safety and Health Administration (“OSHA”), United States Department of Labor, dated February 27, 2023. The Court’s Order required Mr. Arps to produce documents to OSHA within 30 days of service. The U.S. Marshals Service served Respondent with the Order on June 13, 2023. (Filing No. 10). According to the Secretary, Mr. Arps did not produce documents, has not communicated with OSHA in any manner, and has not complied with the Court’s Order. Accordingly,

**IT IS ORDERED:**

1. Respondent, Christopher C. Arps d/b/a Capital City Roofing and Construction, shall appear before United States Magistrate Judge Michael D. Nelson on **October 10, 2023, at 9:30 a.m.** in Courtroom #6, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha Nebraska, and show cause, if any there be, why an Order should not be entered holding Respondent in civil contempt of court and imposing appropriate sanctions for Respondent’s failure to comply with the Court’s May 26, 2023, Order and Secretary’s Administrative Subpoena.

2. **Respondent is warned that failure to appear at the hearing will result in a recommendation that he be held in contempt of court and/or the imposition of other sanctions, including monetary sanctions, as appropriate and authorized under the law.**
3. The Clerk of Court is directed to provide the United States Marshal with copies of this Order and the accompanying USM FORM 285, Process Receipt and Return. The United States Marshal is directed to serve Respondent, Christopher Arps d/b/a Capital City Roofing and Construction, at 1939 N. 88th Street, Lincoln, Nebraska 68505 with this Order.
4. The Clerk of Court is further directed to mail a copy of this Order to Respondent at:  
Christopher Arps d/b/a Capital City Roofing and Construction  
1939 N. 88th Street  
Lincoln, Nebraska 68505

Dated this 17<sup>th</sup> day of August, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge